

BOARD OF ETHICS
OPEN SESSION MINUTES

April 16, 2014 - 3:06 p.m.
740 North Sedgwick, Suite 500

BOARD MEMBERS PRESENT

Stephen W. Beard, Chair
Russell F. Carlson
Mary T. Carr
Hon. Michael J. Gallagher
Hon. Julia M. Nowicki

STAFF PRESENT

Steven I. Berlin, Executive Director
Lisa S. Eilers, Deputy Director
Richard J. Superfine, Legal Counsel
Ana Collazo, Attorney Investigator
Edward Primer, Program Director
Pully Casillas, Staff Assistant

BOARD MEMBERS ABSENT

Frances R. Grossman
Dr. Daisy S. Lezama

ATTENDEE

Kathryn Richards, Assistant Inspector
General, Office of the Inspector General

The Chair asked the guest, Ms. Richards from the Inspector General's Office, to introduce herself and whether she had any questions. She did not.

I. APPROVAL OF MINUTES

The Board VOTED 5-0 (Frances R. Grossman and Dr. Daisy S. Lezama, absent) to approve the Open Session Minutes of the March 19, 2014 meeting..

II. CHAIR'S REPORT

The Chair reported that, on the morning of March 27, 2014, he was a panelist in a discussion regarding campaign finance reform at the Union League Club.

III EXECUTIVE DIRECTOR'S REPORT

A. EDUCATION-CLASSES

Since the last Board meeting, we have held 2 classes in our offices, on March 20 and April 3—29 attended. There are 29 persons scheduled for classes on April 24 and May 8.

On March 20 staff conducted the second class for Commissioners and service providers of Special Service Areas (SSAs). An overflow crowd of 158 persons attended. A third class is scheduled for April 23. Sixty (60) persons are scheduled to attend.

On May 7, staff will conduct a (rescheduled) class for the senior management of the Department of Transportation.

On April 25 and again on May 30, staff will conduct trainings for General Laborers from the Department of Streets & Sanitation. Approximately 200 employees will attend.

Staff is working with the Law Department to create a class focusing on the ethics issues faced by its attorneys who represent the City before the Department of Administrative Hearings. That class will be held before June 30, 2014.

B. LOBBYISTS

As of today, we have processed registrations of 612 lobbyists for 2014, and collected \$303,125 in 2014 registration fees. Quarterly activity reports are due from all registered lobbyists on April 21. To date, 398 have filed them. Our Electronic Lobbyist Filing System (ELF) sent out courtesy reminders to all registered lobbyists on March 31 and April 10.

C. ON-LINE TRAINING

At this writing, 134 lobbyists have completed their required ethics training. They have until July 1, 2014 to complete the program. Reminder notices were sent on April 16 to all lobbyists who had not completed the program.

Staff is finalizing the 2014 programs for employees and officials, and intends to have them go live next week.

D. STATEMENTS OF FINANCIAL INTERESTS

On February 28, 3,162 employees and officials were notified of their requirement to file 2014 Statements of Financial Interests. To date, 1,396 have filed, and their forms posted on our website for public inspection (where they reside for seven years). The deadline for filing is June 1, 2014. Notices were sent to all non-filers beginning at midnight on April 16, and lists of non-filers will be sent to all department heads, aldermen and ethics officers on April 21.

E. PROPOSED AMENDMENTS TO THE ORDINANCE

The Ordinances introduced in October 2013 by Alderman Patrick O'Connor regarding enforcement of campaign contribution violations by the Legislative Inspector General are still pending in the City Council's Rules Committee. The Board's open letter to elected City officials was delivered to the Mayor and aldermen on March 7, 2014, and posted on our website that day.

F. INFORMAL ADVISORY OPINIONS

Since the March 2014 meeting, the agency issued 278 confidential advisory opinions. The leading categories were Statements of Financial Interests, business travel, political activity, and writing endorsements or references (use of City title/property—a topic covered in the 2014 training).

Staff awaits the “rollout” by the Department of Innovation & Technology of a “beta” version of a secure, searchable database for all such informal advisory opinions, and we expect that this project will be completed in June 2014. This will enable Board staff to receive instantaneous reports of opinions issued by topic, department, title, date, etc.

G. UPDATED WEBSITE/New Educational Brochures

Staff revised four educational brochures: the General Guide for the Public, the Plain English Guide to Ethics for City employees and Elected Officials, the Plain English Guide to Secondary Employment (Outside Jobs) for City Employees, and the Guide for Candidates for Elected City Office. They were all posted on our website. We will make arrangements with the Chicago Board of Election Commissioners to distribute material to candidates and their agents before nominating petitions may be circulated (which is on August 26, 2014).

H. RULES AND REGULATIONS

Staff has received comments on its latest draft of the Rules and Regulations from the Inspector General, Law Department and Department of Administrative Hearings. Once they are submitted to the City Council they become effective after 45 days, unless the City Council votes (by majority vote) to disapprove them. There will be more discussion on this in Executive Session.

I. FREEDOM OF INFORMATION ACT

Since the last regularly scheduled Board meeting, the office has received 2 new requests under the Freedom of Information Act.

IV. OLD BUSINESS

1. Report on Inspector General’s comments on the Board’s proposed Rules and Regulations

Rules and Regulations. The Executive Director reported that the Board (and Chair) received extensive comments from the Office of the Inspector General with respect to the Board’s latest draft of its Rules & Regulations. He explained that staff has gone through these comments, and will discuss them further in Executive Session. The Board discussed

whether it would specifically respond to these comments in a letter, or incorporate them into its next draft. The Executive Director explained that the past practice has been to do the latter.

2. Status: Case No. 13014.OLIG, Probable Cause Procedure Pursuant to §2-156-385(3) (2012OLIG0040)
3. Status: Case No. 13009.OLIG, Probable Cause Procedure Pursuant to §2-156-385(3) (2013OLIG0003)
4. Status: Case No. 12031.OLIG, Probable Cause Procedure Pursuant to §2-156-385(3) (2012OLIG0009)

The Board deferred consideration of the status report on these cases until executive session.

VI. NEW BUSINESS

5. Semi-Annual Review of the Confidentiality of Executive Session Minutes under the Illinois Open Meetings Act

The Executive Director explained the requirements of the Open Meetings Act with respect to review and approval of continuing the confidentiality of the Board's executive session minutes. The Board discussed its history in approving the confidentiality of its executive session minutes. This discussion included instances where portions of past executive session minutes were made public.

By a VOTE of 5-0 (Frances R. Grossman and Dr. Daisy S. Lezama, absent), the Board approved the staff's recommendation to continue the confidentiality of the executive session minutes between and including August 1987 and March 19, 2014.

The Board VOTED 5-0 (Frances R. Grossman and Dr. Daisy S. Lezama, absent) to adjourn into Executive Session at 3:24 p.m. under 5 ILCS 120/2(c)(1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity. And, in addition, the Board voted to adjourn into Executive Session under 5 ILCS 120/2(c)(4) to hear and discuss evidence or testimony in closed hearing as specifically authorized pursuant to Governmental Ethics Ordinance Section 2-156-395 (the Ordinance applicable to this matter) and the Board's Rules and Regulations, 4A-2, "Hearings on Complaints Against Aldermen" as amended, effective February 26, 2010, presented to a quasi-adjudicative body, as defined in the Illinois Open Meetings, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

At 4:27 p.m., the Board voted 5-0 (Frances R. Grossman and Dr. Daisy S. Lezama, absent) to reconvene into open session.

VII. MATTERS CONSIDERED AND ACTED UPON BY THE BOARD IN EXECUTIVE SESSION

I. APPROVAL OF EXECUTIVE SESSION MINUTES

The Board confirmed its approval of the Executive Session minutes of the March 19, 2014 meeting by its 5-0 (Frances R. Grossman and Dr. Daisy S. Lezama, absent) vote made in Executive Session.

II. CASES

A. Query/Consult Summary

4. Case No. 14015.CNS, Public and Educational Events

By a 5-0 VOTE (Frances R. Grossman and Dr. Daisy S. Lezama, absent), the Board authorized the staff to advise persons by letter with respect to minor violations of the reasonable hosting provision in the Governmental Ethics Ordinance.

At 4:31 p.m., the Board VOTED 5-0 (Frances R. Grossman and Dr. Daisy S. Lezama, absent) to adjourn the meeting.